

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-CR-00238-RJC

USA

v.

GERREN EZEKEIL DARTY (14)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a recommendation for early release from confinement. (Doc. No. 816).

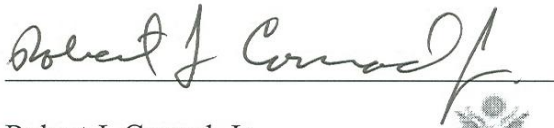
Title 18, United States Code, Section 3624(c) allows the Bureau of Prisons (BOP) to place a prisoner in pre-release custody under conditions, including a residential re-entry center (RRC), for the last portion of his sentence to prepare him for re-entry into the community. The Second Chance Act of 2007, among other things, expanded the allowable time period for pre-release custody from six to twelve months. Pub. L. No. 110 199, § 251, 122 Stat. 657, 692-93 (2008). The Act clearly states that it does not alter the BOP's authority to designate the place of the prisoner's imprisonment under 18 U.S.C. § 3621, and prohibits a court from ordering that a sentence be served in a community confinement facility. Id.

The defendant recognizes the Court's inability to order pre-release custody to an RRC, but asks the Court to recommend such placement for twelve months. (Doc. No. 816: Motion at 3). Although the Court appreciates the defendant's completion of drug and education programs during confinement and his interest in establishing a relationship with his son, the Court declines to recommend his early release because the BOP is in a better position to make the necessary assessment.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the United States Probation Office.

Signed: September 6, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

